

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-64 are pending with claims 1-45 and 62-64 having been rejected. The Applicants would like to thank the Examiner for indicating that claims 46-51 contain allowable subject matter and would be allowable if rewritten in independent form.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks made herein are simply for clarification and to round out the scope of protection to which Applicants are entitled.

The amendments to the specification have been made to place the application in conformity with U.S. customary practice and 37 C.F.R. 1.77.

The Examiner has indicated that to perfect priority based upon an application filed in Ireland on 1/11/1999 a certified copy of the application must be filed with the U.S. Patent and Trademark Office. However, it is Applicants attorney's understanding, pursuant to MPEP § 1893.03(c) and PCT Rule 17, that this requirement has been fulfilled by the submission of a certified copy of the S990016 application with the International Bureau (WIPO) within 16 months from the priority date of January 11, 1999. Further, it is the International Bureau that is to forward a photocopy of the certified priority document with the international application to each Designated Office. This photocopy of the priority document is acceptable to establish that applicant has filed a certified copy of the priority document. Accordingly, Applicants

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respectfully submit that priority has been perfected. However, in an effort to assist the Examiner in establishing that the claim of priority has been properly perfected, a certified copy of the Irish Application has been ordered and will be submitted in a supplemental response to this Office Action.

II. 35 U.S.C. § 103 REJECTIONS

The Examiner has rejected claims 1-45 and 52-64 under 35 U.S.C. § 103(a) as unpatenable over U.S. Patent No. 6,341,237 to Hurtado in view of U.S. Patent No. 6,438,428 to Axelgaard et al. It is respectfully submitted that neither Hurtado nor Axelgaard represent prior art to this application. This application claims priority to PCT/IE00/00004, filed on January 11, 2000, and claims the benefit of priority to Irish Application No. S990016, filed on January 11, 1999. That claim of priority has been perfected, as discussed above, through submission of a certified copy of the priority document to the International Bureau (WIPO). In contrast, Hurtado only claims priority to its U.S. filing date of October 25, 1999, similarly Axelgaard claims priority to October 27, 1999. Therefore neither is prior art to the present application.

Accordingly, withdrawal of the rejections and allowance of the claims is respectfully requested.

CONCLUSION

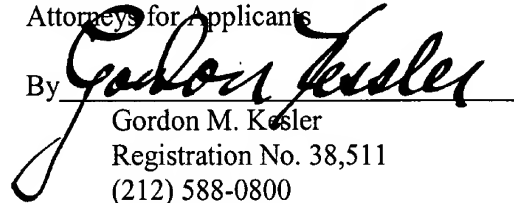
In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "Gordon M. Kesler", is written over a horizontal line. The signature is fluid and cursive.

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